IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: Charles Pitts v Susan Beam Docket No. 260116

L.C. No. 02-243658-DP

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the December 22, 2004 order is a postjudgment order that does not affect the custody of a minor. MCR 7.202(6)(a)(i), MCR 7.202(6)(a)(iii), and MCR 7.203(A)(1). The Court concludes that the order does not affect the custody of a minor in light of paragraph 4 of the order that simply delays decision on custody until a scheduled evidentiary hearing for April 8, 2005. As a result, appellant may challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 2 1 2005

Date

gidra Schult Mengel
Chief Clerk